

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Chris Wallace/797-1050

SUBJECT: Resolution

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2001 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE 1993 BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.

REPORT IN BRIEF:

In 1993 Broward County adopted a supplemental "Additional" Local Option Gasoline Tax ordinance that collects gasoline taxes and distributes funds between Broward County and eligible municipalities at a ratio of 59.99% County and 40.01% Municipal. The Municipal distribution is calculated on the basis of incorporated area population and is updated annually which is the subject of this annual amendment.

PREVIOUS ACTIONS:

R-2000-111 and previous, but identical, resolutions

CONCURRENCES:

not applicable

FISCAL IMPACT:

Has request been budgeted? not applicable

Additional Comments:

Gas tax funds support roadway construction and maintenance operations within the Town.

RECOMMENDATION(S):

Motion to Approve Resolution

Attachment(s):

Resolution

2001 Amendment to Interlocal Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2001 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE 1993 BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.

WHEREAS, on September 1, 1993, the Board of County Commissioners imposed an "additional" local option gas tax on motor fuel; and

WHEREAS, the distribution of these funds is adjusted annually to reflect population changes; and

WHEREAS, it is necessary that the Town of Davie approve the execution of the attached Amended Interlocal Agreement; and

WHEREAS, the Interlocal Agreement shall be effective September 1, 1993, to December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The appropriate Town officials are hereby authorized to execute the Amendment to Interlocal Agreement, attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001

2001 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF DAVIE

providing for

DIVISION AND DISTRIBUTION OF THE
PROCEEDS FROM THE BROWARD COUNTY
ADDITIONAL LOCAL OPTION GAS
TAX ON MOTOR FUEL ORDINANCE

2001 AMENDMENT
to
INTERLOCAL AGREEMENT
between
BROWARD COUNTY
and
TOWN OF DAVIE
providing for

DIVISION AND DISTRIBUTION OF THE
PROCEEDS FROM THE BROWARD COUNTY
ADDITIONAL LOCAL OPTION GAS
TAX ON MOTOR FUEL ORDINANCE

This 2001 Amendment to Interlocal Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

TOWN OF DAVIE, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "TOWN."

W I T N E S S E T H:

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth and pursuant to the authorization of paragraph (1)(b)(2) of Section 336.025, Florida Statutes, the COUNTY and TOWN agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as previously amended, is hereby amended to read as follows:
2. Fifty-seven and one one-hundredths percent (57.01%) of the total proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance shall be distributed to the COUNTY and the remaining forty-two

and ninety-nine one hundredths percent (42.99%) of the total proceeds shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

$$\frac{\text{Population of Individual Municipality}}{\text{Total Incorporated Area Population}} \times 42.99\% =$$

<u>Recipient</u>	<u>FY 2002 Share of Proceeds</u>
Coconut Creek	1.239948%
Cooper City	0.795182%
Coral Springs	3.345606%
Dania Beach	0.570964%
Davie	2.155096%
Deerfield Beach	1.838121%
Fort Lauderdale	4.395490%
Hallandale Beach	0.975713%
Hillsboro Beach	0.061562%
Hollywood	3.966292%
Lauderdale- by- the- Sea	0.072947%
Lauderdale Lakes	0.902368%
Lauderhill	1.638948%
Lazy Lake	0.001082%
Lighthouse Point	0.306444%
Margate	1.534324%
Miramar	2.070252%
North Lauderdale	0.918278%
Oakland Park	0.881335%
Parkland	0.393763%
Pembroke Park	0.179278%
Pembroke Pines	3.911362%
Plantation	2.360416%
Pompano Beach	2.445743%
Sea Ranch Lakes	0.039618%
Southwest Ranches	0.202247%
Sunrise	2.441389%
Tamarac	1.582111%
Weston	1.402747%
Wilton Manors	<u>0.361374%</u>
Total Incorporated	42.99%

2. Paragraph 3 of the Interlocal Agreement, as previously amended, is hereby amended to read:
3. The population figures set out herein are based on the figures contained in the document referred to as the "Florida Estimates of Population," published on an annual basis by the Bureau of Economics and Business Research, Population Division, University of Florida. The population figures to be utilized in the formula described in Paragraph 2 of this Interlocal Agreement, for the division and distribution of the proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance, shall be adjusted annually based on the current "Florida Estimates of Population."

For the purpose of this Agreement, the following population figures are hereby agreed upon:

<u>Recipient</u>	<u>Population</u>
Coconut Creek	43,566
Cooper City	27,939
Coral Springs	117,549
Dania Beach	20,061
Davie	75,720
Deerfield Beach	64,583
Fort Lauderdale	154,437
Hallandale Beach	34,282
Hillsboro Beach	2,163
Hollywood	139,357
Lauderdale-by-the-Sea	2,563
Lauderdale Lakes	31,705
Lauderhill	57,585
Lazy Lake	38
Lighthouse Point	10,767
Margate	53,909
Miramar	72,739
North Lauderdale	32,264
Oakland Park	30,966
Parkland	13,835
Pembroke Park	6,299
Pembroke Pines	137,427
Plantation	82,934
Pompano Beach	85,932

Sea Ranch Lakes	1,392
Southwest Ranches	7,106
Sunrise	85,779
Tamarac	55,588
Weston	49,286
<u>Wilton Manors</u>	<u>12,697</u>
Total	1,510,468
Unincorporated Area	112,550
Total County	1,623,018

3. This 2001 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population have executed this Interlocal Agreement prior to June 1, 2001.
4. In the event this 2001 Amendment to Interlocal Agreement or a portion of this 2001 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or CITY elects to terminate this Agreement. The election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.
5. All provisions of the Interlocal Agreement as previously amended, not in conflict with this 2001 Amendment to Interlocal Agreement, shall remain in full force and effect.
6. This 2001 Amendment to Interlocal Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

[INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this 2001 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chair or Vice Chair, authorized to execute same by Board action on the ____ day of _____, 20____, and TOWN, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and Ex-Officio
Clerk of the Board of County
Commissioners of Broward County,
Florida

By _____
Chair
____ day of _____, 20____.

Approved as to form by
Office of County Attorney
Broward County, Florida
EDWARD A. DION, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____
Assistant County Attorney

2001 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY
AND TOWN OF DAVIE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE
PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX
ON MOTOR FUEL ORDINANCE

TOWN

WITNESSES:

TOWN OF DAVIE

By _____
Mayor-Commissioner

____ day of _____, 20____.

ATTEST:

By _____
Town Clerk

Town Manager

____ day of _____, 20____.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Town Attorney

CSW:sl
04/18/01
gastx04.agm
01-017-01